

REMARKS/ARGUMENTS

Claims 1, 3, 5, 8-11 and 16-18 were presented in the pending request for continued examination

Applicant herein amends claims 1 and 3. No claims are canceled and no new claims are presently added. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution and issuance of the application. In making this amendment, the Applicant has not and is not narrowing the scope of the protection to which the Applicant considers the claimed invention to be entitled and does not concede, directly or by implication, that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, the Applicant reserves the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Claims 1 and 3 are amended to clearly claim that an order first matched to a passive order based on normalized dimensions would nonetheless be rejected based on a subsequent failure to meet rule based criteria. The Applicant contends this aspect of the present invention is not disclosed by the cited art as is argued in the Response to Final Office action of July 27, 2006 which is hereby incorporated by reference.

The applicant also notes that the previous rejection of the claims under 35 U.S.C. 103(a) relies on a provisional filing of U.S. Patent Application Publication No. 2002/0016759 ("Macready") to overcome cited deficiencies of U.S. Patent No. 6,131,087 ("Luke"). Applicant again reiterates the request for the Examiner to confirm that the Macready provisional supports the material cited in the published application.

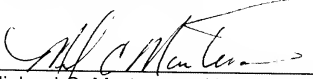
Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and withdraw them.

In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact Applicants' attorney at the telephone number listed below.

No fee beyond that associated with the RCE is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

26 Janey, 2007



Michael C. Martensen, No. 46,901
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5910 Tel
(303) 899-7333 Fax